



Re Application Of:	Brian P. Roarty
Serial No.	10/797,255
Filed:	03/10/2004
For:	Implementation...

Examiner:	Erin M. Boyd
Group Art Unit:	3663
Atty. Docket No:	
Date:	Sep. 7th, 2011

### **RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT**

This is in response to the Notice of Non-Compliant Amendment mailed 08/08/2011, with a one-month response period.

### **CLAIMS NOT INCLUDED IN PREVIOUS CLAIMS LISTING**

Claims 1-3 and Claims 11-23 were not included in the Final Office Action but were withdrawn from consideration through a Restriction Election, as acknowledged in paragraph 1, at page 2, of the Final Office Action

Applicant timely responded to the Final Office Action, but that response was objected to as non-compliant on the grounds “Claims 11-23 have been omitted”.

Applicant’s attorney never received the original Notice of Non-Compliant Amendment but this interruption has been corrected.

Claims 11-23, identified as ‘WITHDRAWN’, are now included in the Claims Listing. A version marked to identify the changes, and second version with the clean text after the changes, of the Claims Listing, is attached to and incorporated into this Response.

Accordingly, it is respectfully asserted that the objection of non-compliance is now traversed and the claims, as amended, are now proper.

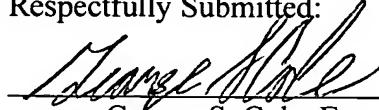
**REQUEST FOR TELEPHONE INTERVIEW**

If the Examiner does not feel that the amended claims permit, Petitioner's Attorney respectfully requests a telephone interview before the next Office Action issues to both (a) more adequately address and comprehend the Office's concerns and objections, and (b) alert Petitioner's Attorney to the possibility that mail should be expected, and thus permit timely discovery of a non-delivery.

If the Examiner has any questions or wishes to discuss this matter he is urged to contact the Applicant's attorney, George S. Cole, Esq., using the phone or email below.

The Applicant believes that these claims are now all in presently allowable, correct, and proper form, and respectfully asks for a timely Notice of Allowance to be issued.

Respectfully Submitted:



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APPLICATION NO.	TRADEMARK DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,255	03/10/2004	Brian P. Roarty		5375

37387 7590 08/08/2011  
GEORGE S. COLE, ESQ.  
495 SEAPORT COURT, SUITE 101  
REDWOOD CITY, CA 94063

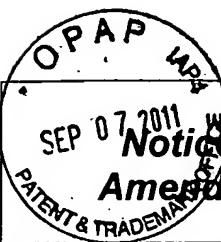
EXAMINER
LEACH, ERIN MARIE BOYD

ART UNIT	PAPER NUMBER
3663	

MAIL DATE	DELIVERY MODE
08/08/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



**Notice of Non-Compliant  
Amendment (37 CFR 1.121)**

Application No.  
10/797,255

Applicant(s)  
ROARTY, BRIAN P.

Art Unit  
3600

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 29 April, 2011 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- 1. Amendments to the specification:
  - A. Amended paragraph(s) do not include markings.
  - B. New paragraph(s) should not be underlined.
  - C. Other \_\_\_\_\_.
- 2. Abstract:
  - A. Not presented on a separate sheet. 37 CFR 1.72.
  - B. Other \_\_\_\_\_.
- 3. Amendments to the drawings:
  - A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - C. Other \_\_\_\_\_.
- 4. Amendments to the claims:
  - A. A complete listing of all of the claims is not present.
  - B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - D. The claims of this amendment paper have not been presented in ascending numerical order.
  - E. Other: See Continuation Sheet.
- 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4): For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance, or a drawing submission (only). If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1 to 4 are checked, the correction required is only the corrected section of the non-compliant amendment in compliance with 37 CFR 1.121.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable /SHANDA ROSS/

Telephone No: (571)272-6621

Continuation of 4. Other: All claims have not been given a proper identifier. Claims 11-23 have been omitted.